

Introduced by Senator Yee

February 21, 2014

An act to add Section 10828 to the Public Contract Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

SB 1325, as introduced, Yee. California State University: contractors.

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the California State University comprises 25 institutions of higher education throughout the state. Existing law imposes various requirements with respect to contracting by the California State University.

This bill would require that contracts entered into by the California State University on or after January 1, 2015, comply with all of the following: that any data collected, pursuant to the contract, by the contractor relating to a student or a faculty member of the university, including data relating to his or her use of university resources, shall be provided to the university in both electronic and paper formats; that any service or instruction provided, pursuant to the contract, by a nonstate agency contractor to a student or faculty member of the university by the contractor shall conform to pertinent federal statutes and regulations relating to student and faculty data; that any service or instruction provided, pursuant to a contract entered into by a nonstate agency subcontractor with a nonstate agency contractor, comply with the bill; and that any contract entered into with a nonstate agency explicitly address the issue of ownership of intellectual property, and

acknowledge that other contracts entered into by the university may determine the rights to that intellectual property.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10828 is added to the Public Contract
2 Code, to read:

3 10828. (a) A contract entered into by the university on or after
4 January 1, 2015, shall comply with all of the following
5 requirements:

6 (1) Any data collected, pursuant to the contract, by the contractor
7 relating to a student or a faculty member of the university,
8 including data relating to his or her use of university resources,
9 shall be provided to the university in both electronic and paper
10 formats.

11 (2) Any service or instruction provided, pursuant to the contract,
12 by a nonstate agency contractor to a student or faculty member of
13 the university by the contractor shall conform to pertinent federal
14 statutes and regulations relating to student and faculty data. The
15 language of the contract pursuant to which the service or instruction
16 referenced in this paragraph is provided shall explicitly authorize
17 the provision of this service to students.

18 (3) Any service or instruction provided, pursuant to a contract
19 entered into by a nonstate agency subcontractor with a nonstate
20 agency contractor, shall comply with this subdivision.

21 (4) Any contract entered into with a nonstate entity shall
22 explicitly address the issue of ownership of intellectual property,
23 and acknowledge that other contracts entered into by the university
24 may determine the rights to that intellectual property.

25 (b) As used in this section, “university” means the California
26 State University.